

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AVGRAPHICS, INC., JEAN PIERRE AZOULAY AND  
DARIA MCDERMOTT,

Plaintiff(s),

-against-

NYSE GROUP, INC., (successor in interest to New York  
Stock Exchange, Inc.), JOHN GREGORETTI, TONY  
WALENTY, SAN COCOZZA, MARGARET DeB. TUTWILER,  
JOHN THAIN, individually and as employees of NYSE GROUP  
INC., ANTHONY WILSON a/k/a TONY WILSON, DANA  
GREGORETTI AND E-TRADE SECURITIES, LLC,  
Defendants.

STATE OF NEW YORK, COUNTY OF NASSAU SS.:

JOHN MICHAEL DEVITO, being duly sworn deposes and says: that deponent is not a party to his action, is over 18 years of age and resides at Farmingdale, NY 11735. That on January 24, 2008 at 2:30 p.m. at 11 Wall Street, New York, New York, deponent served the within Amended Summons and Amended Complaint on defendant TONY WALENTY, therein named.

1.        INDIVIDUAL by delivering a true copy of each to said defendants personally; deponent knew the person so served to the person described as said defendant therein.
2.        CORPORATION a domestic corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be AUTHORIZED TO ACCEPT thereof
3.   X   SUITABLE AGE PERSON by delivering thereat a true copy of each to a person of suitable age discretion. Said premises is defendant's - actual place of business - dwelling house - usual place of abode - within the state.
4.        AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is defendant's - actual place of business - dwelling house - usual place of abode - within the state. Deponent was unable with due diligence to find defendant or a person of suitable age and discretion, thereat having called there
- MAILING Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addresses to defendant at defendant's last known residence, at use with 3 or 4 and deposited said wrapper in - a post office - depository under exclusive care and custody of the United States Postal Service within New York State. (if applicable)
- MAILED IN AN ENVELOPE MARKED PERSONAL AND CONFIDENTIAL**

       DESCRIPTION Deponent describes the individual served as follows:  
1 or 3

<u>      </u> Male	<u>      </u> White Skin	<u>  X  </u> Black Hair	<u>      </u> 14-20 Yrs.	<u>      </u> Under 5'	<u>      </u> Under 100 lbs.
<u>  X  </u> Female	<u>  X  </u> Black Skin	<u>      </u> Brown Hair	<u>      </u> 21-35 Yrs.	<u>      </u> 5'0" - 5'3"	<u>  X  </u> 100-130 lbs.
	<u>      </u> Brown Skin	<u>      </u> Blond Hair	<u>  X  </u> 36-50 Yrs.	<u>  X  </u> 5'4" - 5'8"	<u>      </u> 131-160 lbs.
	<u>  X  </u> Glasses	<u>      </u> Gray Hair	<u>      </u> 51-65 Yrs.	<u>      </u> 5'9"-6'0"	<u>      </u> 161-200 lbs.
		<u>      </u> Red Hair	<u>      </u> Over 65 Yrs.	<u>      </u> Over 6'	<u>      </u> Over 200 lbs.
		<u>      </u> White Hair			
		<u>      </u> Balding			

Sworn to before me on January 25, 2008

*Rosemary Moran*  
ROSEMARY MORAN  
Notary Public, State of New York  
No. 00000000000  
Qualified and Licensed  
Commission Expires 12/31/2011

JOHN MICHAEL DEVITO